

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	Case No. 05-10153-GAO
-vs-	)	
	)	
JIANGYU ZHU	)	
(aka JIANG YU ZHU)	)	
KAYOKO KIMBARA	)	
Defendants.	)	

Government's Response to Motion to Modify Conditions of Release

The United States of America, by and through its attorneys, Michael J. Sullivan, United States Attorney, District of Massachusetts, and Allison D. Burroughs, Assistant United States Attorney, hereby responds to Defendants' Motion for Modification of Release conditions as follows<sup>1</sup>:

1. The government vehemently opposes modifying the conditions of release such that the defendants' will not be required to post a secured bond. We also oppose substituting cash bond for secured property worth less than the \$500,000 currently posted. We would not object to substituting property with equity equal to \$500,000. In support thereof, the government asserts as follows:

2. The defendants are charged with a serious offense which carries a significant prison term. Both would be subject to deportation upon a conviction. Their family, which seems to have significant assets, live outside the United States, which could give them the means to flee as well as a place to go. Their conditions of release have already been significantly loosened over the objection of the government.

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<sup>1</sup>The government is responding to this motion only on its merits. Nonetheless, as a matter of record, we disagree with many of the characterizations included in the motion as to the motivations of the government and the court and the factual assertions concerning our charging decisions.

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3. It is interesting to note, that when seeking appointed counsel, the defendants' minimized the value of their property. Now they want to put that property up as security, they are trying to maximize its value. To the extent that they have this much equity in their property, it remains the position of the government that they should be financing their own defense.

WHEREFORE, the government respectfully requests that the Court deny Defendants' Motion to modify Their Release Conditions.

Respectfully submitted,

Michael J. Sullivan  
United States Attorney

By:

/s/ Allison D. Burroughs  
ALLISON D. BURROUGHS  
Assistant U.S. Attorney

Dated: October 7, 2005